

This section construed in connection with secs. 350 and 366. See notes to sec. 350. *University v. Uhrig*, 145 Md. 114.

When will probated in another State is filed here and ancillary administrator is appointed, the Orphans' Court cannot disregard the action of other Court and proceed to probate will and administer estate. *Kurtz v. Stenger*, 169 Md. 554.

Although a will has been probated in another state and letters granted there, no suit can be maintained here by executors until will is recorded in Maryland. (See however, sec. 80.) *Wright v. Gilbert*, 51 Md. 152. And see *Ratrie v. Wheeler*, 6 H. & J. 94.

How a will should be certified to be admissible in evidence under this section. Province of register as to authentication of copy. The orphans' court has no jurisdiction to entertain a caveat to record of such a copy, the only inquiry being whether there has been sufficient proof to admit copy to record, and such question must be passed upon by register. Effect of record of copy of will. *Beatty v. Mason*, 30 Md. 412 (decided prior to act of 1882, ch. 285).

This section referred to in construing sec. 350—see notes thereto. This section makes no distinction between wills of real property and those of personalty. Application of this section. *Lindsay v. Wilson*, 103 Md. 267.

This section referred to in connection with sec. 37—see notes thereto. *Dalrymple v. Gamble*, 66 Md. 305.

Cited but not construed in *Campbell v. Porter*, 162 U. S. 483.

For a statute curing conveyances of real estate by the executors of non-residents, see art. 21, sec. 99.

An. Code, 1924, sec. 365. 1912, sec. 355. 1904, sec. 348. 1888, sec. 339. 1831, ch. 315, sec. 16.

**370.** Every will, when proven, shall be retained and preserved in the office of the register of wills of the county, and shall not be delivered out of such office to any person or persons whomsoever; and every issue of *devisavit vel non* sent from a court of equity shall be tried in the county of the office aforesaid, at which trial said will may be adduced in evidence under the care of said register, or of any person in that behalf by him deputed, under a subpoena *duces tecum*, issued on the special order of the court holding such trial; and in like manner such will may be produced in evidence on the trial in any court of this State of any issue involving the said will, and requiring its production, in the opinion of the said court; but the said will shall not at any time be taken or kept out of the care and custody of the said register, or of the person deputed as aforesaid.

It will be assumed that the will was in the keeping of the register and produced by and in his custody. This section does not affect the admissibility of the will in evidence; its obtention by illegal means would not exclude it from evidence. *Citizens' Bank v. Curtis*, 153 Md. 245.

The alleged will should not be transmitted to court of law with issues, but this section should be followed. *Connelly v. Beall*, 77 Md. 120.

This section referred to in deciding that a paper writing had not been admitted to probate. *Chase v. Stockett*, 72 Md. 250.

This section referred to in construing the act of 1831, ch. 315—see notes to sec. 365. *Warford v. Colvin*, 14 Md. 556.

Cited but not construed in *Campbell v. Porter*, 162 U. S. 483.

An. Code, 1924, sec. 366. 1912, sec. 356. 1904, sec. 349. 1888, sec. 340. 1864, ch. 157.

**371.** Every register of wills in this State shall receive for safe keeping the will of any living person who resides in the city or county for which such register is appointed, every such will being first sealed up and endorsed with the name of the testator, its date, and the date of its delivery to the register, and the name of the executor or other person to whom it may be delivered at the death of the testator; and such register shall receive for each will so deposited fifty cents, and shall immediately index it in an index to be kept for that purpose, and there keep it in a depository to be kept for that purpose, until the death of the testator, unless delivered to such testator or to his order, in his lifetime, upon a receipt therefor being given on said index.